

ORDINANCE No. 99-02-CM

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE FROM R1 & 13 TO GB**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA;

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wea Township, Tippecanoe County, Indiana, to-wit:

EXHIBIT A

A Part of the Southwest Quarter of Section 1, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana, described as follows:

Beginning at the northeastern corner of the Southwest Quarter of said Section 1; thence South 00°10'00" West, along the eastern line of the Southwest Quarter of said Section One, 1,320.74 feet to the northeastern corner of the Southeast Quarter of the Southwest Quarter of said Section 1; thence South 00°01'00" West, along the eastern line of the Southeast quarter of the Southwest quarter of said section one, 657.47 feet; thence south 89°59'00" West, 1,331.50 feet to the western line of the Southeast Quarter of the Southwest Quarter of said Section One; thence North 00°01'15" East, along the western line of the Northeast Quarter of the Southwest Quarter of said Section One, 1,331.97 feet to the northwestern corner of the Northeast Quarter of the Southwest Quarter of said Section One; thence South 89°33'00" East, along the northern line of the Southwest Quarter of said Section One, 1,332.14 feet to the point of beginning, containing 60.65 acres, more or less.

The above bearings are based on Deed Records.

EXCEPT:

DESCRIPTION: (Document Number 88-01659)

A part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 22 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning at a point on the east line of said quarter section North 0 degrees 23 minutes 13 seconds West 329.58 feet along said east line from the southeast corner of said quarter-quarter section, which point of beginning is on the northeastern boundary of S.R. 38; thence North 54 degrees 51 minutes 10 seconds West, 1,180.27 feet along the boundary of said S.R. 38; thence North 55 degrees 08 minutes 17 seconds West 448.89 feet along said boundary to the west line of said quarter-quarter section; thence North 0 degrees 13 minutes 01 seconds West 34.58 feet along said west line to the northwest corner of said quarter-quarter section; thence North 89 degrees 32 minutes 24 seconds East 118.57 feet along the north line of said quarter section; thence South 54 degrees 51 minutes 10 seconds East 1,484.91 feet to said east line; thence South 0 degrees 23 minutes 13 seconds East 116.74 feet along said east line to the point of beginning and containing 3.452 acres, more or less.

Also, a part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 22 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning at the southeast corner of said quarter-quarter section; thence North 56 degrees 31 minutes 40 seconds East 129.71 feet; thence North 54 degrees 51 minutes 10 seconds West 1,590.46 feet to the west line of said quarter-quarter section; thence North 0 degrees 13 minutes 01 second West 114.00 feet along said west line to the southwestern boundary of S.R. 38; thence South 55 degrees 08 minutes 21 seconds East 406.45 feet along the boundary of said S.R. 38; thence South 54 degrees 57 minutes 47 seconds East 1,221.45 feet along said boundary to the east line of said quarter section; thence South 0 degrees 23 minutes 13 seconds East 258.74 feet along said east line to the point of beginning and containing 3.717 acres, more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as S.R. 38 and as Project ST-4079(c)), to and from the owners' abutting lands, along the 1,484.91 foot course described above in the

description of the 3.452-acre parcel. Also, along the southeastern 1,525.00 feet of the 1,590.46-foot course described above in the description of the 3.717-acre parcel. Also, along the northwestern 5.46 fee of the 1,590.46-foot course described above in the description of the 3.717-acre parcel; HOWEVER, the owners and their successors in title shall have access rights to local service roads where the owners’ remaining land abuts upon the following-described lines: Beginning at the north end of the 116.74-foot course described above in the description of the 3.452-acre parcel; thence North 0 degrees 23 mintes 13 seconds West 73.73 feet along said east line to the terminus. Also, the 61.84-foot and the 129.71-foot course described above in the description of the 3.717-acre parcel. Also, the 61.84-foot and the 129.71-foot courses described above in the description of the 3.717-acre parcel. The above-described access control line restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

AND EXCEPT:

A part of the North Half of the Southeast Quarter of the Southwest Quarter and a part of the Northeast Quarter of the Southwest- Quarter of Section 1, Township 22 North, Range 4 West of the Second Principal Meridian, Tippecanoe County, Indiana, described as follows:

Beginning at the northeast corner of the North Half of the Southeast Quarter of the Southwest Quarter of said section; thence South 00 degrees 25 minutes 23 seconds East 668.77 feet along the east line of the Southeast Quarter of the Southwest Quarter of said section to the south line of said North Half; thence North 89 degrees 59 minutes 03 seconds West 144.57 feet along said south line; thence North 03 degrees 03 minutes 21 seconds West 463.14 feet; thence North 06 degrees 57 minutes 51 seconds East 116.56 feet; thence North 24 degrees 36 minutes 05 seconds East 278.43 feet to the southwestern boundary of State Road 38; thence South 07 degrees 35 minutes 40 seconds West 129.71 feet along said boundary; thence South 56 degrees 28 minutes 34 seconds East 61.67 feet along said boundary to the point of beginning and containing 2.459 acres, more or less. All bearings in this description are based on the bearing system of Project RS-7879(2).

The intent of the above description is to include all that part of Parcel 15 that lies within the proposed right-of-way lines depicted on the right-of-way plans for Project RS-7879(2), recorded January 5, 1994 in the office of the Tippecanoe County Recorder as Instrument No. 94-00438, and containing 2.459 acres, more or less, together with any adjacent strips thereof that lie within said proposed right-of-way.

Section 2. The real estate described above should be and the same is hereby rezoned from R1 and 13 to GB.

Section 3. This ordinance shall be in full force and effect from and after its passage. Adopted and passed by the Board of Commissioners of Tippecanoe County, Indiana, this 1st day of February, 1999.

VOTE:

<u>Yes</u>	_____
	John Knochel, President
<u>Yes</u>	_____
	Ruth Shedd
<u>Yes</u>	_____
	Kathleen Hudson

Attest:

Robert A. Plantenga, Auditor